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17. ABSTRACT (MAX. 250 WORDS) The number of hired farm workers is decreasing with the increased use of laborsaving farm machinery and technology which allows greater output per worker. The low wage scale prevalent in agriculture is the major cause of the farm labor problem. Wage rates are difficult to measure accurately because of a great diversity in methods of payment and the difficulty in placing value on such furnished perquisites as houses, rooms, and meals.

A factor affecting wage rates is the relative unproductivity of farm labor as compared to industrial labor; this is partly because jobs are not mechanized and the products are of relatively low value. Another factor is the sufficiency of the farm labor supply for the demands made upon it; this means that higher wage rates are not necessary to attract workers.

Farm labor may be divided into four groups: relatively permanent hired labor, local seasonal workers, nonlocal seasonal workers, and foreign labor. Unionization of workers has been aimed principally at local seasonal and nonforeign migrant workers. Unionization of farmers refers primarily to joining together of farm owners and operators in trade unions to bargain with buyers of agricultural products.

The principal labor organizations involved and some current laws relating to farm labor are cited. Activities to help solve the farm labor problem can be divided into two broad groups: those dealing with the wage problem and those seeking to provide regulations and other administrative rulings which will affect farm labor.

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Open Meetings ON AGRICULTURAL POLICY

Published by Michigan State University, Department of Agricultural Economics

No. 23

Prepared by David Call, Extension Specialist in Agricultural Economics, Michigan State University. This folder attempts to present objectively the issues involved in the current status of hired farm labor. It is intended only for use as a guide in group discussion. It does not represent the opinions or the recommendations of the author, the MSU Agricultural Economics Department, or the Cooperative Extension Service of Michigan State University.

May 1961

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AGRICULTURAL LABOR

THE CENTER FOR CULTURAL STUDIES
Adams State College of Colorado
Alamosa

—The Problem
—Attempts At Organization
—Current Laws
—What Are The Issues

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MANY IMPORTANT ISSUES face American Agriculture in the 60's. One of them, the farm labor problem, has made the headlines recently. It has taken its place in farmers' minds in the past year as a major farm problem.

Most of the publicity has centered on:

Low wages

Unionization of farm labor

Minimum wage for agricultural workers

Regulation of domestic farm employment

Use of foreign workers.

These issues have caused a great deal of confusion among farmers and others who are not clear as to just what the problem is and are not familiar with much of the terminology or "jargon" being used.

This leaflet will define some of the groups involved, some of the important laws often mentioned, and some of the issues which are being discussed.

Background on the hired farm labor force

In 1959 there was an average of 1,925,000 *hired* farm workers in the United States. This was substantially less than the 3,190,000 reported in 1930. The major cause of this drop has been the increased use of labor saving farm machinery and other forms of new technology which have resulted in great increases in output per farm worker.

The above figure hides the fact that there is a substantial seasonal variation in this average number. In 1959 the number of hired workers ranged from about 900,000 in December and January to 2,800,000 in August and September.

This peak employment of 2,800,000 can be divided into two groups:

Relatively permanent employees	800,000
Seasonal workers	2,000,000

Of the 2,000,000 seasonal workers, slightly over half—1,100,000—are recruited in the areas where they are employed. The remaining 900,000 are classed as migrant workers; that is, they are not working in their home area.

About 500,000 migrant workers come from other areas of the United States, many from Texas, Arkansas and Florida and other Southern States. The other 400,000 migratory laborers are foreign with most of them Mexican Nationals.

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Michigan employs many seasonal workers, primarily in the fruit and vegetable and sugar beet enterprises. In 1959 the number of seasonal workers employed ranged from about 4,500 in January to a high of almost 90,000 in July. At their peak employment about 36,000 local seasonal workers, about 46,000 non-local (outside of Michigan and from other parts of Michigan) and 11,000 foreign workers were employed.

To understand the overall problem, it is helpful to divide hired farm labor into four distinct groups. Each group presents different problems of wage levels, working conditions, fringe benefit coverage and other related issues. In the past many people have been confused, because it wasn't clear which groups of workers certain proposed laws or regulations were aimed at.

Keep in mind these four classes of hired labor:

1. *Relatively permanent hired labor;* the traditional hired man normally working the year around.
2. *Local seasonal workers;* extra help recruited locally for seasonal employment.
3. *Non-local seasonal workers;* seasonal help which comes from other areas of the United States, often referred to as migrant labor, and from other areas of the state.
4. *Foreign labor;* seasonal labor recruited outside the United States, mostly Mexican Nationals entering under government regulation.

Labor problems will not affect all segments of American agriculture equally. Many farmers do not use hired labor and many more use relatively small amounts. A recent USDA report states "Of the estimated 3,729,000 farm operators in 1959, about half (49 percent) did not employ any farm wage workers at any time during the year. The 1,896,000 farm operators who did employ farm wage workers reported an average expenditure for labor of $1,358 during 1959. Almost 2 out of 3 farm employers reported spending less than $500 for hired workers while less than 1 in 10 reported their 1959 wage bill to be more than $2,500."

Background on farm wage rates

The major cause of the farm labor problem is the relatively low wage scale prevalent in agriculture. Wage rates for hired farm labor are difficult to measure accurately because of a great diversity in methods of payment and the difficulty in placing a value on perquisites furnished, such as house, room, meals, etc.

The U.S.D.A. compiles statistics on wage rates and one measure, the composite rate per hour, is often used as an indication of farm wage rates. The composite rate per hour is a weighted average of the different methods of payment converted to an hourly basis. (Piece work rates are *not* included.)

In 1960 this average composite rate for the United States was 82 cents per hour. There was a wide variation between states—from a low of 44 cents in South Carolina, and 47 cents in Mississippi to a high of $1.23 in Washington and $1.21 in California.

In Michigan the average composite rate was 85 cents per hour. This rate *does not* include the value of perquisites.

It should be pointed out that these are average rates and in many cases, especially with piece work rates, actual wages may be somewhat higher. For 1959, the Michigan Employment Security Commission reported earnings from piece work ranged from 55 cents to $1.77 per hour with a majority of the adult workers averaging 78 cents to 90 cents per hour.

Relative to factory wages, farm wages have lost ground in recent years. In 1947 the farm wage composite was 47 percent of the average wage in manufacturing but by 1959 this had dropped to 36 percent. During the 1947-59 period, farm wages rose 45 percent but factory wages rose 79 percent. When farm wage rates are adjusted for changes in rural living costs it is found that the increase in "real" farm wages from 1957 to 1959 is about 10 percent. In other words farm wage rates since 1947 have increased somewhat faster than living costs.

Why are agricultural wages so low? Many factors affect wage rates and it is only possible to outline a few of the more important:

Productivity—Wages are a rough measure of the productivity of the labor. The more productive the labor the higher the rate that can be paid. Many agricultural jobs are still not mechanized, relatively low value products are involved, and as a result the labor is relatively unproductive compared to industry. This is particularly true of jobs which must still be performed by hand or with a substantial amount of hand labor such as harvesting fruits and vegetables.

Future increases in productivity will tend to continue to push or pull farm wages up to higher levels. One problem is that in the fruit and vegetable industries—large users of labor—productivity has increased at a much slower rate than in other segments of agriculture. The greatest gains in farm output per man hour have occurred in the feed grain and oil crops segments of agriculture, segments which historically have not employed large amounts of labor.

Supply of labor—Just as with commodities, supply and demand affect the price of labor or the wage rate. In the past there has been a sufficient supply of labor available for agriculture. If this were not true, wage rates would have increased to the level necessary to attract workers from other occupations. The present level of wages appears to be high enough to attract the labor force that is needed.

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Since agriculture employs many so-called unskilled laborers, it has provided jobs for many who might not be qualified for other work.

In addition, mechanization has lowered the demand for unskilled labor to some extent. With the supply remaining relatively constant, this slight reduction in the demand for unskilled labor is one factor that possibly has caused wage rates to remain fairly constant the past several years.

Low earnings in agriculture—When the farm operator is caught in a price-cost squeeze and his income from farming is low or non-existent, he is not in a position to increase wages. Since he has no control over the selling price of his products he cannot increase prices received to compensate for wage increases. In some cases records show hired workers earning as much or more than the farm operator on a per hour basis.

Attempts will and probably should be made to increase farm wages. This can be done in several ways. Keep these points in mind:

(1) Increased productivity—As new technology is adopted, and the resulting further mechanization of agriculture takes place, productivity of farm labor will increase. As labor becomes more productive, higher wages will be economically feasible. This is possibly the long-run solution to the problem. But the replacement of many unskilled workers by machines may shift the burden of supporting these workers to society in general; i.e., it may create a social problem.

(2) If attempts are made to increase farm wages without concurrent increases in either farm prices or productivity, the farmers' income position will be endangered. If productivity and prices are held constant and wages are increased, the increase in wages will have to come from the farmers profits if there are any.

(3) Higher wages without increased productivity will ultimately lead to higher prices for farm products. In the long-run if per unit costs increase due to higher wages, prices will of necessity need to rise to call forth the continued output of the product.

(4) Absence of minimum wage—It seems safe to assume that one of the reasons for low wages in agriculture is its exemption from the minimum wage provisions of The Fair Labor Standards Act. Although there are some areas where farm wages are equal to or higher than the minimum wage, in other areas wages are substantially below this level. With current legislation raising the minimum wage to $1.25 an hour, the gap between this legal rate and average farm wages will be even wider.

Some terms you may be hearing

Unionization of farm workers—Webster defines a union as a "voluntary association of wage earners organized to further or maintain their rights and interests through collective bargaining with the employer, especially for improving wages, hours and conditions of employment."

By this definition a union of farm workers would attempt to maintain or better their position by bargaining with their farmer-employers on such items as wages, working hours and so on.

In the past, attempts to unionize farm workers have been generally unsuccessful. Contributing to this lack of unionization have been the wide dispersion of agricultural workers, the traveling migrant worker, employer opposition and other characteristics of farm labor.

In the summer of 1960 a new attempt was made to unionize farm workers in California. With the financial and organizational backing of the AFL-CIO the maneuver drew much publicity. Many farm leaders feel this is the beginning of an all-out drive to unionize farm workers.

Thus far, unionization has been aimed at the local seasonal and non-foreign migrant workers but theoretically it could cover all types of farm labor.

Unionization of farmers—This term refers primarily to farmers (farm owners and operators) joining together in a trade union which could then bargain with buyers of agricultural products. The bargaining would be for product prices and other terms of trade but not for wages, working conditions, etc.

One example of this type of organization came about when some New Jersey Poultry farmers joined the Teamsters Union in 1959. By joining with the Teamsters Union they expected to increase their bargaining power. There is some question whether it is legal for labor unions to negotiate for commodity prices.

This type of organization should not be confused with a *bargaining cooperative* which is a type of organization farmers use to increase their bargaining power. Although the objectives of the two types of organizations may be somewhat similar, the methods of operation and organizational structure are substantially different.

Some labor organizations involved:

AWOC—Agricultural Workers Organizing Committee—Activated in 1958, the AWOC is a national agency of the AFL-CIO. It has been the leader in the move to unionize farm workers in California. Although not as yet classified as a formal union, AWOC is attempting to provide the base for a regular union organization.

No figures have been released on the number of AWOC members. There is no initiation fee and dues are $2 per month. During 1960 the AWOC had a small

number of full time organizing agents in the field. In addition they placed considerable emphasis on training volunteer organizers and crew stewards who will work with the laborers.

The AWOC's long-run goal is to have two types of contracts:

(1) with grower associations

(2) with associations of labor contractors.

For example, the AWOC might negotiate a contract with an apple growers' association that would set the terms of work for all union help working with apples. Of course this would make the negotiations much simpler than if the union had to deal with each individual grower.

In addition the union is promoting the concept of union "hiring halls" where employers could obtain the labor needed. Although the AWOC has spoken strongly against the contract labor system they indicate willingness to negotiate with labor contractors.

Mr. Smith, the AWOC Leader, claimed in a national farm magazine that AWOC had raised wages for California farm workers by 12 million dollars in 1960. The union feels that there are many advantages for the farmer who will work with a union. For example, the union could guarantee a supply of trained labor and could handle many employee problems through the union organization. The union states that some California growers will testify that union labor works better than other workers and that the labor cost in the end is cheaper to the grower.

Mr. Smith's attitude toward the price-cost squeeze in agriculture is succinctly described in an article in the July 1960 *Western Fruit Grower*:

"All of agriculture in the United States is sick," Smith said. "And I don't think the way to cure it is to continue paying slave and scab wages to workers. We are not impressed by grower claims that they cannot afford to pay reasonable wages. It's not our job to pull growers' chestnuts out of the fire. Let them organize and bargain for themselves."

Smith also said there is no intention to put small farmers out of business. "The small farmer now pays better wages than the big grower," he said.

National Agricultural Workers Union—This union started in 1934 as the Southern Tenant Farmers Union. Before World War II, operating primarily in Arkansas and adjoining states, this union struggled to protect tenant farmers and sharecroppers. In 1937 the union affiliated with the CIO cannery and agricultural workers union, but in 1939 withdrew from the CIO because of internal strife. During the war the union concentrated on recruiting and transporting farm workers to states where labor was short, a sort of organized migration program on a small scale.

In 1946 after the name was changed to the National Agricultural Workers Union the organization affiliated with the AFL. Since that time the union has attempted to organize agricultural workers primarily in California and the South.

In late 1960 this union with 4,500 members and 139 Locals joined the Amalgamated Meatcutters and Butcher Workmen of North America—AFL-CIO, as Local 300. What effect this move will have on the union's activities in the future is unknown.

Other Unions—Other unions may attempt to unionize portions of the agricultural labor force. In particular those unions that represent workers in businesses closely related to agriculture, for example, meat and milk processing plants, may take a more active role in this endeavor. With the AWOC having the support of the AFL-CIO, most of these efforts will probably take the form of support for the AWOC. The Teamster Union, which is not a member of the AFL-CIO, has shown some interest in agricultural endeavors and may enter the picture.

Some current laws

Public Law 78—Migrant Labor Agreement of 1951—Also known as the Mexican Labor Law, P.L. 78 provides for an agreement between the United States and Mexican governments to allow controlled entry of Mexican Nationals (*Braceros*) into this country. This law, extended until December 31, 1961, will be up for renewal at that time. Since organized labor and other groups oppose the law as it now stands, there will probably be much discussion before the law is extended or changed.

This law permits entry of a limited number of Mexican Nationals into this country for specific periods of time. It establishes specific standards for housing, feeding and wage levels. The U.S. Department of Labor must determine and certify that:

(1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(2) the employment of such workers will not adversely affect the wages and working conditions of domestic workers similarly employed;

(3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered foreign workers.

Article 22 of the Mexican Labor Agreement prohibits the use of Mexican labor to fill any job which the Secretary of Labor finds is vacant because of a "labor dispute." In addition if there is a labor dispute, the authorization for Mexican workers must be withdrawn and the workers must be transferred to other employment or returned to Mexico.

The law is administered through the U. S. Bureau of Employment Security, a division of the Department of Labor. In the past few years approximately 11,000 Mexican Nationals have been employed in Michigan.

Wagner-Peyser Act—In 1933 the Wagner-Peyser Act was passed as one effort to alleviate unemployment. It established the Federal and State Employment Services.

A provision of this law requires that an individual seeking work at a State Agency Employment Office shall be *notified* of the existence of any "labor dispute" at a prospective place of employment.

The law provides some administrative leeway for the Secretary of Labor, and the Secretary in 1934 issued a regulation to the effect that the Employment Service offices would not *refer* workers to establishments where there was a strike or labor dispute.

In addition, in late 1959 the Department of Labor under the broad authority granted the Secretary of Labor in the Wagner-Peyser Act issued regulations providing that farmers who use the Employment Service to recruit migratory workers must comply with certain wage, housing, and working conditions.

The broad interpretation of the act in both the above cases is now the subject of considerable controversy in agricultural circles.

Taft-Hartley Act—Passed in 1947, this act amended the National Labor Relations Act of 1935 (better known as the Wagner Act). The Wagner Act guaranteed workers the right to organize to bargain collectively and forbid employers from interfering with workers in their choice of a bargaining representative. Employers could not refuse to bargain with a recognized union.

By 1947 public opinion had shifted in favor of some controls on labor. The Taft-Hartley Act was an attempt to correct the alleged imbalance of the Wagner Act and placed restrictions and obligations on unions as well as employers.

The Taft-Hartley Act in Section 2 (3) defines an employee as covered in the Act and states that "the term employee . . . shall not include an individual employed as an agricultural laborer, . . ."; therefore the provisions of the National Labor Relations Act as amended do not apply to agricultural workers. Consequently, employers of agricultural labor are not compelled to bargain with employee unions.

In addition the National Labor Relations Board, the body which administers the law as set forth in the Wagner and Taft-Hartley Acts, has no jurisdiction over agricultural labor disputes.

Some issues you may be hearing about

In the immediate future, the agricultural labor problem will undoubtedly receive a lot of attention in Congress, in the state legislatures and wherever a group of farmers get together to talk things over. Our primary concern is in the area of possible legislative and organizational activity. These activities can be divided into two broad groups, (1) those dealing with the wage problem, and (2) those which provide regulations and other administrative rulings which will affect farm labor.

The wage problem

(1) Unionization—It can be anticipated that attempts to unionize farm labor, particularly seasonal workers, will continue.

(2) Collective bargaining for farm labor—Some groups maintain that since collective bargaining in the United States is a matter of public policy for a vast majority of the labor force, there is no reason why agricultural labor should be exempt. If the National Labor Relations Act were amended to remove the current exemptions, farmers would be subject to the same laws as other businesses. Agricultural groups maintain that since farm operations are seasonal and must be performed on time, the farmer cannot stand a strike or any other form of shutdown.

Since agricultural labor is not covered by Federal law regulating labor-management relations, the unionization of agricultural labor may be more difficult than in other industries.

(3) Regulations to prevent strikes when perishable agricultural products are involved—Since farmers and marketers handling perishable commodities are in an extremely poor position with respect to strikes or work stoppage, many groups feel this type of strike should be made illegal. The strike is the main weapon of a labor union; therefore, organized labor can be expected to protest any such exemption.

(4) Definition of a "labor dispute"—The discussion of the Wagner-Peyser Act (this page, column 1) pointed out that there was some confusion over whether the employment offices could refer domestic workers to an employer where a labor dispute existed. Equally as important is the fact that Mexican workers cannot be employed in an establishment where there is a "labor dispute" or strike.

The interpretation of what constitutes a strike or labor dispute is not clear. Do a certain percentage of the workers have to be on strike or does one picket with a sign constitute a labor dispute?

It is also unclear what the role is of outsiders who serve as pickets or in some other way take part in the labor dispute. Some attempt probably will be made to clear up this question in the near future.

Related to this is the definition of agricultural labor. Within different agencies of the Department of Labor there are different definitions, particularly with respect to those engaged in some phase of handling or processing the raw product. The Bureau of Employment Secur-

ity includes, as agricultural labor, those engaged in on-farm handling and processing if one-half or more of the products are produced on that farm. Also, employees doing similar work for a group of producers whose own products constitute one-half or more of the products handled are defined as agricultural laborers.

The National Labor Relations Board and the Wage and Hour and Public Contract Division have defined processing labor as non-agricultural.

(5) Minimum wage for agricultural workers—At the present time most agricultural labor is exempt from the minimum wage provisions of the Fair Labor Standard Act and similar State legislation. Attempts have been made in the past to include agricultural labor in Federal minimum wage legislation and this issue will probably come up again. At the State level, especially in California, there is pressure to include agricultural labor under the State minimum wage provision.

Farm groups maintain that in many cases you could not afford to pay some unskilled agricultural labor the minimum wage. This might mean, therefore, that some workers could not find work and would constitute a social problem. If a minimum wage was extended to agriculture, most likely a period of years would be allowed in which the minimum would be adjusted upward to the level prevailing in other sections of the economy.

It appears the minimum wage will be increased to at least $1.25 in the near future; therefore in a period of three or four years it would be expected the minimum wage in agriculture would be at this level. The effects of such a move would be felt most severely in those areas, particularly the South, where the prevailing wage is substantially below the minimum.

Regulating farm labor

(1) Regulation of domestic farm labor hired through the Federal-State Employment Service—As mentioned before, the Secretary of Labor in 1959 under the authority granted him in the Wagner-Peyser Act established certain regulations with respect to domestic labor recruited through the State Employment Offices.

In general these regulations required that any farmer wanting to recruit workers through the Employment Service would have to meet certain minimum standards with respect to housing and other sanitary requirements. The main controversy centers on the right of the Secretary to issue these regulations and on the content of the regulations.

In addition, it is likely that some legislation will be proposed that would set up a domestic farm labor program patterned after the Mexican farm labor program. This would give the Department of Labor more direct control over the interstate movement of migratory farm workers.

The Labor Department might be authorized to recruit workers, transport them to deficit labor areas and then contract with employers. The regulations currently placed on the employer under P.L. 78 might be copied in such a proposal.

(2) Changing of Public Law 78—P.L. 78, described above, is due to expire in December of 1961. Since many non-farm groups oppose this law and favor dropping or changing it, there will probably be considerable discussion in Congress on this issue. Some of the major changes that may be suggested include:

(a) A gradual reduction in the number of workers permitted to enter, ending with termination of the program in four or five years;

(b) Tighter restriction on the type of work that may be performed, generally limit the use of Mexican workers to unskilled, non-machine jobs;

(c) More protection for domestic workers so that they will not be placed in an adverse position through competition with foreign labor. Included are such things as giving the Labor Department more authority to fix wages for foreign workers and a provision that domestic workers would have to be offered the same terms of employment that are now mandatory for foreign workers;

(d) Terminate the program immediately.

Since some segments of agriculture depend on Mexican Nationals for a large part of their labor supply, it can be expected they will combat any major changes in the law, especially any that propose to end the program.

Other issues

There are several other labor problems which may assume increased importance in the near future. These include:

Mandatory workmens' compensation for all farm workers;

Extension of unemployment insurance and benefits to farm workers;

Regulation of migratory labor camps and compulsory licensing of migrant crew leaders, and

Changes in child labor laws with respect to children being employed on farms.

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